

FORTY-FIFTH DAY

(Continued)

(Wednesday, April 13, 1949)

After Recess

The Senate met at 10:00 o'clock a.m. and was called to order by the President pro tempore.

House Bills on First Reading

The following bills, received from the House, were laid before the Senate, read and referred to the committees indicated:

H. B. No. 367, to Committee on Judicial Districts.

H. B. No. 440, To Committee on Criminal Jurisprudence.

H. B. No. 429, to Committee on Counties and County Boundaries.

Report of Conference Committee on Senate Bill 69 Adopted

Senator Aikin called for consideration at this time the report of the Conference Committee on S. B. No. 69.

The report having been submitted on Wednesday, April 6, 1949.

Question recurring on the report, it was adopted by the following vote:

Yeas—27

Aikin	Martin
Ashley	McDonald
Bell	Moffett
Bracewell	Moore
Bullock	Morris
Colson	Phillips
Corbin	Proffer
Hardeman	Shofner
Hazlewood	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	Weinert
Lock	

Absent

Carney	Harris
Cousins	Hudson

Senate Bill 446 on First Reading

Senator Shofner moved that Senate Rule 114 and Section 5 of Article III

of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	Weinert

Absent

Carney	Hudson
Harris	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Shofner:

S. B. No. 446, A bill to be entitled "An Act to authorize the issuance of licenses to Vocational Nurses in this State by a Board of Vocational Nurse Examiners; defining terms; prohibiting practicing as a Vocational Nurse without a license; allowing certain exceptions; creating a Board of Vocational Nurse Examiners and providing terms of office and qualifications for same; designating officers and times of meetings by the Board; providing for holding of examinations and issuance of licenses for Vocational Nurses; prescribing minimum standards of teaching for Vocational Nurses; providing for the issuance of licenses to presently practicing Vocational Nurses; providing for license by reciprocity; providing for the renewal of licenses; providing for the payment of fees; providing for the revocation of licenses; providing for the Accrediting of Training Schools, Hospitals, and institutions for training Vocational Nurses; providing a saving clause; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

To Committee on Public Health.

Senate Bill 447 on First Reading

Senator Bell moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27

Aikin	Martin
Ashley	McDonald
Bell	Moffett
Bracewell	Moore
Bullock	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hazlewood	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	Weinert
Lock	

Absent

Carney	Harris
Hardeman	Hudson

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Bell:

S. B. No. 447, A bill to be entitled, "An Act amending Chapter 22, Page 39, Acts of the 43rd Legislature of Texas, Third Called Session, 1934; authorizing the issuance of refunding bonds to refund municipal fish market revenue bonds; authorizing cities owning municipal fish markets to lease all or any portion thereof; containing a saving clause and declaring an emergency."

To Committee on Civil Jurisprudence.

Senate Bill 448 on First Reading

Senator McDonald moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Bell
Ashley	Bracewell

Bullock	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Hazlewood	Shofner
Jones	Strauss
Kelley of Hidalgo	Taylor
Kelly of Tarrant	Tynan
Lane	Vick
Lock	Weinert
Martin	

Absent

Harris	Hudson
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The following bill was then introduced, read first time and referred to the committee indicated:

By Senator McDonald:

S. B. No. 448, A bill to be entitled, "An Act abolishing the office of District Attorney in the 7th Judicial District of Texas; fixing the duties of county attorneys of said district; fixing their compensation; repealing conflicting laws and declaring an emergency."

To Committee on Civil Jurisprudence.

Senate Bill 449 on First Reading

Senator McDonald moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lane
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Colson	Morris
Corbin	Phillips
Hardeman	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

Nays—2

Carney	Weinert
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Absent

Cousins	Lock
Harris	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator McDonald:

S. B. No. 449, A bill to be entitled "An Act creating the 115th Judicial District of Texas to be composed of Upshur and Wood Counties; amending Section 7 of Article 199, Title 8, of the Revised Civil Statutes of Texas, 1925, as amended, so as to detach Wood and Upshur Counties from the 7th Judicial District of Texas and to provide hereafter that said District shall be composed of Smith County; providing for the time and terms of holding the 7th and 115th District Courts; providing for the holding of as many sessions in any term as deemed expedient; validating and continuing all processes issued or served before this Act takes effect including recognizances and bonds and making them returnable to the respective Courts; validating the summoning of grand and petit juries under this Act; making provisions for Courts in session at the time of the taking effect of this Act; providing for the election of the District Judge for the 115th Judicial District; providing for the appointment of a District Judge for the 115th Judicial District by the Governor for a period of time from the effective date of this Act until the next general election; providing for the appointment of an official shorthand reporter for the newly created District, and providing for his compensation; providing for the transfer of cases by the District Clerk of the 7th Judicial District to the newly created District Court; making appropriations for the salary of the District Judge of the newly created Judicial District; providing this Act shall be severable; and declaring an emergency."

To Committee on Judicial Districts.

Bill Re-referred

On motion of Senator Bell and by unanimous consent, S. B. No. 447 was withdrawn from the Committee on Civil Jurisprudence and re-referred to the Committee on Towns and City Corporations.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 13, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 140, A bill to be entitled "An Act amending Senate Bill Number 391, Acts of the Fiftieth Legislature, 1947, by increasing the purposes for which money appropriated to the State Board of Registration for Professional Engineers by Item 13 of the appropriation for said board can be expended and declaring an emergency."

S. B. No. 208, A bill to be entitled "An Act providing for regulation of life insurance and health and accident insurance issued in connection with loan transactions; defining credit insurance and certain other terms for the purposes of this Act; creating the purposes of this Act; creating a Credit Insurance Rate Commission, providing for their appointment, compensation, duties and term of office; etc., and declaring an emergency."

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Resolution Signed

The President pro tempore signed, in the presence of the Senate after giving due notice thereof, the following resolution:

H. C. R. No. 68, Honoring airmen who flew with Lt. Col. James H. Doolittle in the bombing of Tokyo.

House Bill 29 on Passage to Third Reading

The President pro tempore laid before the Senate as the unfinished special order for consideration at this time:

H. B. No. 29, A bill to be entitled "An Act creating Texas Citrus Commission, providing for appointment of its members, their qualifications, compensation, tenure, and powers; providing for the officers and organization of said Texas Citrus Commission and how it shall carry out its functions and enforce the powers granted to it, etc.; and declaring an emergency."

The bill having been read second time and amended on Wednesday, April 6, 1949.

Question—Shall the bill be passed to third reading?

Senator Hardeman moved that H. B. No. 29 be sent to the Attorney General for an opinion on the constitutionality of the bill.

Senator Kelley of Hidalgo moved to table the motion by Senator Hardeman.

Yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—17

Aikin	Martin
Bell	Moffett
Carney	Moore
Colson	Phillips
Corbin	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lock	

Nays—11

Ashley	Lane
Bracewell	McDonald
Bullock	Morris
Hardeman	Proffer
Hazlewood	Weinert
Hudson	

Absent

Cousins	Shofner
Harris	

On motion of Senator Kelley of Hidalgo and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

H. B. No. 29 was passed to third reading.

House Bill 29 on Third Reading

Senator Kelley of Hidalgo moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 29 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Jones
Bell	Kelley of Hidalgo
Bracewell	Kelly of Tarrant
Carney	Lock
Colson	Martin
Corbin	McDonald
Cousins	Moffett

Moore	Strauss
Morris	Taylor
Phillips	Tynan
Proffer	Vick
Shofner	Weinert

Nays—6

Ashley	Hazlewood
Bullock	Hudson
Hardeman	Lane

Absent

Harris

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—20

Aikin	Martin
Bell	McDonald
Carney	Moffett
Colson	Moore
Corbin	Proffer
Cousins	Shofner
Hazlewood	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

Nays—10

Ashley	Lane
Bracewell	Lock
Bullock	Morris
Hardeman	Phillips
Hudson	Weinert

Absent

Harris

House Bill 182 on Second Reading

The President pro tempore laid before the Senate as a special order for this hour, on its second reading and passage to third reading:

H. B. No. 182, A bill to be entitled "An Act amending Article 4000, Title 65, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the 39th Legislature and as amended by the Act of April 27, 1935, Chapter 115, General Laws, Regular Session, 44th Legislature, by adding thereto a provision excepting from the operation of said Article any lien securing the purchase price of any merchandise or other article except as to bona fide retail sales, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 182 on Third Reading

Senator Strauss moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 182 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Ashley	Lock
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

Absent

Harris Martin

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Martin
Ashley	McDonald
Bell	Moffett
Bracewell	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	Weinert
Lock	

Absent

Bullock Hardeman
Carney Harris

Senate Concurrent Resolution 44

Senator Carney offered the following resolution:

S. C. R. No. 44, Granting each House permission to adjourn from Thursday, April 14, 1949, until Monday, April 18, 1949.

Be it Resolved, By the Senate of Texas, the House of Representatives concurring, that each House grant the other permission to adjourn from Thursday, April 14, 1949, until Monday, April 18, 1949.

The resolution was read.

On motion of Senator Carney and by unanimous consent, the resolution was considered immediately and was adopted.

Record of Votes

Senators Phillips and Moore asked to be recorded as voting "nay" on the adoption of the resolution.

Reports of Standing Committees

By unanimous consent, the following committee reports were submitted at this time:

Senator Aikin submitted the following reports:

Austin, Texas,
April 12, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 391, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 12, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 315, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 12, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 120, have had the same under

consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 12, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 407, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 12, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 91, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that the Committee Substitute be passed in lieu thereof and be printed.

AIKIN, Chairman.

C. S. S. B. No. 91 was read first time.

Austin, Texas,
April 12, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 360, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that the Committee Substitute be passed in lieu thereof and be printed.

AIKIN, Chairman.

C. S. S. B. No. 360 was read first time.

Austin, Texas,
April 12, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 441, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 12, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 244, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 12, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 443, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 12, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 439, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 12, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 191, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

AIKIN, Chairman.

Senator Corbin submitted the following reports:

Austin, Texas,
April 12, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred H. B. No. 470, have had the same under consideration, and I am instructed to report it back to the

Senate, with the recommendation that it do pass.

CORBIN, Chairman.

Austin, Texas,
April 13, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred S. B. No. 447, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CORBIN, Chairman.

Austin, Texas,
April 11, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred S. B. No. 324, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that the Committee Substitute for S. B. No. 324 do pass.

CORBIN, Chairman.

C. S. S. B. No. 324 was read first time.

Senator Jones submitted the following reports:

Austin, Texas,
April 12, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 590, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass and be mimeographed.

JONES, Chairman.

Austin, Texas,
April 13, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 442, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do not pass but the Committee Substitute in lieu thereof do pass and be mimeographed.

JONES, Chairman.

C. S. S. B. No. 442 was read first time.

Senator Proffer submitted the following report:

Austin, Texas,
April 12, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred House Bill No. 188, have had same under consideration and beg to report it back to the Senate with the recommendation that it do pass and be printed.

PROFFER, Chairman.

Senator Carney submitted the following reports:

Austin, Texas,
April 12, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 720, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,
April 12, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 685, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,
April 12, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 684, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,
April 12, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game

and Fish, to whom was referred House Bill No. 649, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,
April 12, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 608, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,
April 12, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 603, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,
April 12, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 548, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,
April 12, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 495, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,
April 12, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 487, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,
April 12, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred Senate Bill No. 266, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended, and be printed.

CARNEY, Chairman.

Senator Tynan submitted the following report:

Austin, Texas,
April 12, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred H. B. No. 744 have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be mimeographed.

TYNAN, Chairman.

Senator Kelley of Hidalgo submitted the following reports:

Austin, Texas,
April 13, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Water Rights, Irrigation and Drainage, to whom was referred H. B. No. 283, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass as amended and be mimeographed.

KELLEY of Hidalgo, Chairman.

Austin, Texas,
April 12, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Military and Veterans Affairs, to whom was referred H. B. No. 448, have had the same under consideration and beg

to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY of Hidalgo, Chairman.

Austin, Texas,
April 13, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Military and Veterans Affairs, to whom was referred H. C. R. No. 22, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be mimeographed.

KELLEY of Hidalgo, Chairman.

Message from the House

Hall of the House of Representatives,

Austin, Texas,
April 13, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Resolution:

S. C. R. No. 41, Relative to the acceptance of the portrait of Ezekiel W. Cullen.

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

House Bill 467 on Second Reading

Senator Morris asked unanimous consent to take up House Bill No. 467 for consideration at this time.

The President pro tempore announced that there was objection.

Senator Morris then moved to suspend the regular order of business to take up H. B. No. 467 for consideration at this time.

The motion prevailed by the following vote:

Yeas—23

Aikin	Lane
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Colson	Morris
Corbin	Phillips
Cousins	Shofner
Hardeman	Taylor
Hazlewood	Tynan
Hudson	Vick
Jones	Weinert
Kelley of Hidalgo	

Nays—1

Kelly of Tarrant

Absent

Bullock	Moore
Carney	Proffer
Harris	Strauss
Lock	

The President pro tempore then laid before the Senate for consideration at this time:

H. B. No. 467, A bill to be entitled "An Act creating Sabine River Authority; providing for the appointment of a Board of Directors; prescribing powers and duties of the Authority; enacting others provisions relating to the subject; and declaring an emergency."

The bill was read second time.

Senator Morris offered the following Committee Amendment to the bill:

(Committee Amendment No. 1)

Amend House Bill 467, page 5, by striking out the words and figures "Twenty Dollars (\$20.00)" in Section 7 and substituting in lieu thereof the words and figures "Ten Dollars (\$10.00)."

The Committee Amendment was adopted.

Senator Morris offered the following amendment to the bill:

Amend H. B. No. 467, Section 17, by adding thereto a new paragraph which shall read as follows:

Any contract or agreement entered into or any commitment made by and between the Authority or any of its agents or representatives and the Federal government or any of its agents or representatives involving the sovereign rights of the State of Texas in the control, utilization, disposition, storing or sale of the waters of the Sabine river or its tributaries, or involving the control, management or utilization of any facilities, properties or improvements constructed thereon, before becoming an obligation upon the District, shall first be submitted to the Attorney General of the State of Texas for approval. Provided, however, that nothing herein contained shall preclude compliance by the District with Federal laws existing on the effective date of this

Act or with any compact made subsequent thereto by and between the State of Texas, the Federal Government and the State of Louisiana, but any agreement, contract or commitment based upon or involving any Compact promulgated subsequent to the effective date hereof between the State of Texas, the Federal government and the State of Louisiana, shall likewise be submitted to the Attorney General of the State of Texas for approval.

The amendment was adopted.

Senator Morris offered the following amendment to the bill:

Amend H. B. No. 467, Page 3, Line 5 by adding the following after the word "hereof": "provided further that there is excepted from the area covered by the Neches River Conservation District, all the area presently covered by the Lower Neches Valley Authority. It is the intent of the Legislature to preserve the present area and authority of the Lower Neches Valley Authority."

The amendment was adopted.

On motion of Senator Morris and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

The bill was passed to third reading.

House Bill 467 on Third Reading

Senator Morris moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 467 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

Absent

Bullock	Shofner
Harris	Weinert
Hazlewood	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Lane
Ashley	Lock
Bell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

Absent

Bracewell	Weinert
Harris	

Senate Resolution 115

Senator Kelley of Hidalgo offered the following resolution:

Whereas, A distinguished son of Texas, the Hon. William McCraw, a former Attorney General of the State and the present Department Commander of the American Legion, Department of Texas, is a visitor in the Capitol today; therefore, be it

Resolved by the Senate of Texas that Commander McCraw and his party be invited on the floor of the Senate, be extended the privileges of the floor, and that Commander McCraw be invited to address the Senate.

KELLEY of Hidalgo,
PHILLIPS.

The resolution was read and was adopted.

Accordingly, the President pro tempore announced the appointment of the following committee to escort Honorable William McCraw to the President's stand:

Senators Kelley of Hidalgo, Lane and Phillips.

The President pro tempore then presented Mr. McCraw to the Senate.

Mr. McCraw then addressed the Senate briefly and presented Messrs. Shag Floore, Legislative Representative of the American Legion, G. Ward Moody, Department Adjutant, Herschiel Hunt, Editor of the Texas Legion News, and Adolph Hohertz, Commander of Travis Post 76, to the Senate.

House Bill 33 on Second Reading

The President pro tempore laid before the Senate as a special order for this hour, on its second reading and passage to third reading:

H. B. No. 33, A bill to be entitled "An Act providing for retirement of Judges of this State; defining certain terms; providing the conditions under which retirement pay shall be paid; and the amount of such retirement pay; providing for contribution by the Judges and refund of said contributions under certain conditions; providing for reassignment; providing for repeal of laws in conflict; providing for validity of remaining portion of Act, if any part declared unconstitutional, and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to third reading?

Joint Session

(Address by Honorable Perry Brown)

At 11:30 o'clock a.m., the President pro tempore announced the hour heretofore fixed by joint action of the two Houses to meet in Joint Session to hear an address by Honorable Perry Brown, National Commander of the American Legion, had arrived and requested the Senate to repair to the Hall of the House of Representatives.

The Senate was announced at the Hall of the House and was duly admitted.

The President pro tempore, on invitation of the Speaker, occupied a seat at the Speaker's desk.

Honorable Perry Brown, accompanied by Governor Beauford H. Jester, Honorable William McCraw, State Commander of the American Legion, Messrs. Bertram Giesecke, Herman Nami, Ernest Goens, Lee Dirks, T. T.

Hunt, Albert Brown, Shag Floore, Adolph Hohertz, and G. Ward Moody, was announced at the bar of the House and was escorted to the Speaker's stand by Senators Kelley of Hidalgo, Phillips, Cousins, Taylor, and Kelly of Tarrant, on the part of the Senate, and Representatives Brooks of Jefferson, Walker, Lee, Hughes and Daniel, on the part of the House.

The presence of a quorum of each House was duly ascertained and announced by the President pro tempore and the Speaker of the House.

The Speaker presented Governor Beauford H. Jester, who introduced Honorable Perry Brown to the Joint Session.

Mr. Brown then addressed the Joint Session.

At 12:00 o'clock m., the President pro tempore announced the business of the Joint Session concluded, and requested the Senate to retire to its Chamber.

In the Senate

The President pro tempore called the Senate to order at 12:05 o'clock p.m.

Recess

On motion of Senator Hardeman, the Senate at 12:10 o'clock p.m., took recess to 2:30 o'clock p.m. today.

Afternoon Session

The Senate met at 2:30 o'clock p.m. and was called to order by the President pro tempore.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 13, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Bills and Resolution:

S. C. R. No. 44, Granting each House permission to adjourn from Thursday, April 14, 1949, to Monday, April 18, 1949.

H. B. No. 298, A bill to be entitled "An Act to amend Section 1, Chapter

283, Acts of the Forty-ninth Legislature, 1945, so as to provide for the payment of increased pensions to the widows of Confederate Veterans who have not been admitted as inmates of the Confederate Home of this State; and declaring an emergency."

H. B. No. 412, A bill to be entitled "An Act to amend Article 2226, R. C. S. of Texas, 1925; and declaring an emergency."

H. B. No. 444, A bill to be entitled "An Act authorizing cities and towns, including Home Rule cities, which heretofore have issued or hereafter may issue bonds payable from revenues of water or sewer systems to issue additional bonds payable from such revenues for purpose of improving and extending such systems, such additional bonds to constitute a lien upon said revenues in order of their issuance inferior to lien securing payment of bonds previously issued; permitting issuance of additional bonds on a parity with bonds previously issued where provision therefor was made in ordinance authorizing previous issue or deed of trust or indenture of trust securing such bonds; authorizing such cities and towns to prescribe in ordinance, deed of trust and indenture of trust for later issuance of additional revenue bonds on parity; authorizing issuance of refunding bonds; prescribing manner of issuance of all bonds authorized herein; requiring such bonds to be approved by the Attorney General of Texas and registered by the Comptroller of Public Accounts; enacting other matters pertaining to the subject; providing a severability clause; and declaring an emergency."

H. B. No. 459, A bill to be entitled "An Act amending Article 4932 of the Revised Civil Statutes of Texas, 1925, as amended by Acts of the Forty-eighth Legislature, 1943, Chapter 342, Page 584; providing for fixing the amount of net retentions permissible without reinsurance by insurance companies licensed in Texas in the writing of fire and allied lines of insurance; requiring reinsurance of excess to any loss or hazard on any one risk over such permissible net retentions, etc.; and declaring an emergency."

H. B. No. 501, A bill to be entitled "An Act amending Section 1 of the Special Laws, 1939, 46th Legislature,

page 602, as amended by Section 1 of the Special Laws, 1939, 46th Legislature, page 605, as amended by Chapter 288, Acts of the Regular Session of the 50th Legislature, 1947, page 491, providing for a Purchasing Agent and his assistant in counties having populations in excess of One Hundred Forty Thousand (140,000) according to the last preceding Federal Census, general or special, providing compensation for such officers; providing for their appointment, and declaring an emergency."

H. B. No. 508, A bill to be entitled "An Act amending Art. 432 of the Penal Code so as to provide that same shall not apply to persons holding offices or positions for two (2) years prior to the time an officer or board member related to them takes office; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 562, A bill to be entitled "An Act to require the filing of any and all State of Texas and its Department's contracts and agreements with, by and between the United States and its various Departments, in the office of the Secretary of State, and requiring the Comptroller of Public Accounts to ascertain such filing prior to making disbursements and requiring the approval of the Governor to any and all such contracts, and declaring an emergency."

H. B. No. 570, A bill to be entitled "An Act authorizing the transfer of title by the State Board of Control to a tract of land consisting of 47.45 acres, located in the City of Terrell, Kaufman County, Texas, and in exchange for such property so transferred the Board of Control, on behalf of the State of Texas, acting for the use and benefit of the Terrell State Hospital, shall receive a tract of land consisting of 52.5 acres, located in the City of Terrell, Kaufman County, Texas; and declaring an emergency."

H. B. No. 574, A bill to be entitled "An Act amending the Texas Fertilizer Laws by (1) repealing the requirement that fertilizer inspection tags be attached to containers of commercial fertilizers sold, exposed or offered for sale in this State, and by (2) requiring the payment of an inspection fee on the basis of quarterly tonnage reports of commercial fertilizers sold or distributed for sale in this State."

H. B. No. 614, A bill to be entitled "An Act empowering and directing the State Department of Public Welfare to refund to the Federal Government One Thousand Eight Hundred and Ninety-four Dollars and sixty-nine cents (\$1,894.69) to make adjustment in amounts expended in excess of those found necessary by the Social Security Administration for the proper administration of the Civilian War Assistance Program and the Enemy Alien Program; providing for a repealing clause, a saving clause, and declaring an emergency."

H. B. No. 619, A bill to be entitled "An Act permitting Boards of Trustees in Independent School Districts having control of junior colleges to vest control in a Board of Regents of nine (9) members; providing for the election of the Board of Regents; setting the terms of members of Board of Regents, and their eligibility for election; providing method of election; setting forth method of filing vacancies on the Board of Regents; and repealing laws in conflict."

H. B. No. 654, A bill to be entitled "An Act to amend Sub-Section C of Section 3, of the Regular Session of the 42nd Legislature, 1931, Chapter 282, regulating the length of vehicles and combination of vehicles and providing an exception; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 665, A bill to be entitled "An Act authorizing the Commissioner of the General Land Office to issue permits for geological, geophysical and other surveys and investigations of areas within tidewater limits which are not subject to valid subsisting oil or gas leases; authorizing any person who has a valid subsisting oil or gas lease to conduct geological, geophysical and other surveys and investigations on the areas included within their lease without a permit, etc.; and declaring an emergency."

H. B. No. 713, A bill to be entitled "An Act to amend Paragraphs 2 and 3 of Subsection A of Section 6 of House Bill 168, Chapter 352, Acts of the Regular Session of the 50th Legislature (Vernon's Texas Civil Statutes, Article 6228a); to provide for a seven (7) ex officio member Board of Trustees of the Employees Retirement System of Texas; to provide who shall be ex officio members of the Board of Trustees; providing

for a nomination and election of three (3) ex officio trustees to be members of the Employees Retirement System and providing for a term of office for said members; providing a method of filing vacancies of employee-members on the Board of Trustees; and declaring an emergency."

S. B. No. 19, A bill to be entitled "An Act appropriating Three Million Dollars (\$3,000,000.00) as a supplemental appropriation to the funds appropriated for salary aid in House Bill No. 295 of the Acts of the Regular Session of the Fiftieth Legislature; providing that the funds herein appropriated are to be used to supplement payments for salary aid for the first year of the current biennium 1947-1948 and for no other purpose; provided that the funds herein appropriated under the provisions of this Act and under the terms and conditions and in the manner provided in the regular appropriation for salary aid in House Bill No. 295; providing that the funds appropriated for salary aid in House Bill No. 295 and in this Bill are to be in full and complete payment of any claim for salary aid from the first year of the biennium 1947-1948; providing applications for aid under this Act shall have been eligible under the provisions of Bill No. 295 and on file with the State Department of Education and Legislative Accountant prior to the passage of this Act; appropriating an additional sum of Six Million Dollars (\$6,000,000.00) or so much thereof as may be necessary to supplement the appropriation made for salary aid for 1948-1949 to be expended in accordance with the provisions of House Bill No. 295 of the Acts of the Regular Session of the Fiftieth Legislature, providing a savings clause and declaring an emergency."

(With amendments.)

H. B. No. 55, A bill to be entitled "An Act authorizing the Commissioners' Court in any County having a population of not less than sixty-nine thousand and eighty (69,080) and not more than sixty-nine thousand one hundred (69,100) inhabitants according to the last preceding Federal Census to lease or sell any County Hospital belonging to said County upon such terms and conditions as may be agreed to by the Commissioners' Court of such County and providing that no sale of such Hospital shall be

confirmed by the Commissioners' Court of such County until such sale be approved by a majority vote of the property tax paying citizens of such County and providing for the manner of conducting such election and declaring an emergency."

H. B. No. 292, A bill to be entitled "An Act fixing the compensation of the Judges of County Court at Law and providing for the payment thereof in counties having a population of not less than two hundred and twenty-five thousand (225,000) according to the last preceding Federal Census and having only one County Court at Law; repealing all laws and parts of laws in conflict herewith to the extent of such conflict; defining County Court at Law; and declaring an emergency."

H. B. No. 427, A bill to be entitled "An Act closing Palo Pinto and Stephens Counties to turkey hunting for a period of two years; prescribing a penalty for violation of this Act, and declaring an emergency."

H. B. No. 437, A bill to be entitled "An Act providing for the appointment by the District Judge of the Sixteenth Judicial District of Texas, composed of the counties of Cooke and Denton, or the Judge of the Judicial District of which the Counties of Cooke and Denton are a part thereof, of an Official Shorthand Reporter for such Judicial District; providing his qualifications; providing that the salary of said Official Shorthand Reporter shall be fixed and determined by the Judge of said District and not otherwise; providing for the manner of payment of said salary and out of what funds; providing for transcript fees and allowance for expenses as provided in Chapter 56, House Bill No. 276, Acts Regular Session of the 41st Legislature, 1929, which allowances, as now provided by law being fixed and established as a part of this Act; providing a savings clause; declaring this Act to be a Special Act, notices thereof having been duly published and exhibited as required by law and declaring an emergency."

H. B. No. 460, A bill to be entitled "An Act amending Chapter 221, H. B. No. 771, Acts of the 50th Legislature, making it unlawful to take or kill wild deer or turkey in the County of Taylor, of Texas, for a period of ten (10)

years, and providing it shall be unlawful to have in possession deer or turkey killed during said period; prescribing penalty for violation of this Act; and declaring an emergency."

H. B. No. 542, A bill to be entitled "An Act providing that in counties of more than ninety thousand (90,000) inhabitants and less than one hundred and fifty thousand (150,000) inhabitants according to the last preceding or any future Federal Census and having an assessed valuation on property for ad valorem tax purposes of more than One Hundred and Twenty-five Million Dollars (\$125,000,000) that the Commissioners' Court shall fix the salaries of the Commissioners of Drainage Districts; fixing the limits of such salaries; describing the procedure therefor; repealing all laws in conflict; providing a severability clause; and declaring an emergency."

H. B. No. 578, A bill to be entitled "An Act authorizing Commissioners of Drainage Districts to join with any government agency, county or political subdivision, any city or town or railroad company or any other person, corporation or association in constructing and maintaining drainage improvements and to pay their portion of the cost thereof; authorizing Commissioners of drainage districts to purchase necessary supplies and equipment and operate the same for the maintenance, enlargement, extension or improvement of the drainage system, etc.; and declaring an emergency."

H. B. No. 667, A bill to be entitled "An Act to provide an open season for the hunting, taking or killing of wild deer in Red River, Lamar and Fannin Counties; providing a bag limit of one buck deer for each hunter during a season; fixing a penalty for the violation thereof; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 712, A bill to be entitled "An Act fixing a closed season on wild deer, turkeys, and beavers in Anderson and Henderson Counties; prescribing a penalty for violation of this Act; and declaring an emergency."

H. B. No. 727, A bill to be entitled "An Act making it unlawful to transport minnows of any kind and all species outside of the counties where-

in such minnows are caught, seined, or taken; provided that this Act shall only apply to persons, firms, or corporations transporting minnows caught, seined, or taken from the waters of the Counties of Hardeman and Foard; providing prima facie evidence as to possession; repealing all laws and parts of laws in conflict herewith; providing a penalty for the violation of this Act, and declaring an emergency."

H. B. No. 738, A bill to be entitled "An Act to create Road District Number 3-A, Hardin County, Texas, and specifically setting out its boundaries, including therein a portion of the territory embraced in Road District Number 3; authorizing the Commissioners' Court to continue to levy an ad valorem tax in such territory for the payment of its pro rata share of the principal and interest on all outstanding bonds of Road District Number 3; authorizing the issuance of bonds by the newly created Road District in the manner and at such times as provided by the General Laws of Texas for the issuance of bonds by Road Districts, without the necessity of voting and issuing compensation bonds and in conformity with Article 3, Section 52, of the Constitution of Texas; and declaring an emergency."

H. B. No. 739, A bill to be entitled "An Act to create Road District Number 4, Hardin County, Texas, and specifically setting out its boundaries, including therein a portion of the territory embraced in Road District Number 3; authorizing the Commissioners' Court to continue to levy an ad valorem tax in such territory for the payment of its pro rata share of the principal and interest on all outstanding bonds of Road District Number 3; authorizing the issuance of bonds by the newly created Road District in the manner and at such times as provided by the General Laws of Texas for the issuance of bonds by Road Districts, without the necessity of voting and issuing compensation bonds, and in conformity with Article 3, Section 52, of the Constitution of Texas; and declaring an emergency."

H. B. No. 740, A bill to be entitled "An Act to create Road District Number 5, Hardin County, Texas, and specifically setting out its boundaries, including therein a portion of the territory embraced in Road Dis-

trict Number 3; authorizing the Commissioners' Court to continue to levy an ad valorem tax in such territory for the payment of its pro rata share of the principal and interest on all outstanding bonds of Road District Number 3; authorizing the issuance of bonds by the newly created Road District in the manner and at such times as provided by the General Laws of Texas for the issuance of bonds by Road Districts, without the necessity of voting and issuing compensation bonds, and in conformity with Article 3, Section 52, of the Constitution of Texas; and declaring an emergency."

H. B. No. 741, A bill to be entitled "An Act validating all time warrants heretofore issued or authorized against the Road and Bridge Fund of Matagorda County, Texas; validating all proceedings of the Commissioners' Court authorizing such warrants including certain specific issues; validating all claims against the Road and Bridge Fund for which time warrants have been authorized or issued to pay and discharge; and declaring an emergency."

H. B. No. 766, A bill to be entitled "An Act amending Section 1 of Chapter 90, page 194, Special Laws, 42nd Legislature, Regular Session, 1931, as amended by Acts 1947, 50th Leg., Regular Session, ch. 245, page 439, by adding Comanche County to the provisions thereof; repealing Acts 1945, 49th Leg., Reg. Ses., ch. 175, p. 231, as amended by Acts 1947, 50th Leg., Reg. Ses., ch. 158, p. 262, and repealing all laws in conflict except Acts 1943, 48th Leg., ch. 123, p. 203, Acts 1943, 48th Leg., ch. 6, p. 5, Acts 1941, 47th Leg., ch. 410, p. 668, and Acts 1939, 46th Leg., Spec. L., p. 793, ch. 44; and declaring an emergency."

H. B. No. 773, A bill to be entitled "An Act amending Section 1, Chap. 373, Acts of the R. S. of the 47th Legislature, 1941, providing for an open season on quail on Mondays, Tuesdays, Wednesdays, Fridays and Saturdays during the period beginning December 1 and ending January 16, both dates inclusive, in Hopkins, Delta and Franklin Counties; and declaring an emergency."

H. B. No. 792, A bill to be entitled "An Act authorizing the appointment of an Assistant County Attorney in

counties composed of not less than twenty-seven thousand and fifty (27,050) inhabitants, according to the Federal Census of 1940, and not more than twenty-seven thousand and seventy-five inhabitants, according to the Federal Census of 1940, in which said counties there are two (2) or more District Courts; fixing the compensation of said Assistant; providing for the manner in which same shall be paid; providing for the appointment of additional Assistants according to the provisions of Article 3902, Revised Civil Statutes of Texas, 1925; containing a saving clause; and declaring an emergency."

H. B. No. 799, A bill to be entitled "An Act creating and establishing Road District Number 9 of Hidalgo County, Texas, under Article III, Section 52 of the Constitution of Texas for the purpose of the construction, operation, and maintenance of macadamized, graveled, or paved roads or turnpikes, or in aid thereof; describing the territory included therein; making the district a body corporate with authority to sue and be sued; etc.; and declaring an emergency."

H. B. No. 812, A bill to be entitled "An Act authorizing the Commissioners' Court of Bexar County, Texas, to appoint a Coliseum Advisory Board for the operation and maintenance of the project known as the Agricultural and Livestock Exhibition Buildings and grounds, which were heretofore received by said County from the City of San Antonio; providing for the appointment of the members of said Coliseum Advisory Board and their tenure of office, and the filling of any vacancies occurring therein; etc.; and declaring an emergency."

H. B. No. 838, A bill to be entitled "An Act providing an open season for hunting, taking, and killing quail in Upshur County, Texas; fixing the days on which such hunting is permitted; fixing the limit on the number of quail killed or that any person may have in possession at any time; making said Act applicable to all varieties of quail; fixing a penalty; repealing all laws in conflict with this Act; and declaring an emergency."

H. B. No. 842, A bill to be entitled "An Act creating and establishing Hidalgo County Road District Number 11 in Hidalgo County, Texas,

under Article III, Section 52, of the Constitution of Texas for the purpose of the construction, operation, and maintenance of macadamized, graveled, or paved roads or turnpikes, or in aid thereof; etc.; and declaring an emergency."

H. B. No. 843, A bill to be entitled "An Act regulating fishing in Bosque County; prescribing a penalty for violation hereof; repealing all laws or parts thereof in conflict herewith; and declaring an emergency."

H. B. No. 730, A bill to be entitled "An Act to amend Sections 1, 14, 15, 16, and 17 of Senate Bill 296, Chapter 344, 50th Legislature, Regular Session; and declaring an emergency."

H. B. No. 753, A bill to be entitled "An Act for the protection of the interest of the people of Texas in submerged lands, including lands, minerals, and other resources within and beneath the navigable waters of the State, tidelands, foreshore, salt water lakes, bays, tidewaters, inlets, lagoons, bayous, rivers, marshes, reefs, arms of the sea, the sea and bed thereof within the boundaries of the State, and lands formerly covered by such waters; authorizing the Attorney General to bring suits relating thereto; providing venue of suits, and declaring an emergency."

H. B. No. 768, A bill to be entitled "An Act to amend Section 17a of Acts, 1930, Fourth Called Session, Forty-first Legislature, page 55, Chapter 32, to authorize leasing of State Parks for production of oil and gas.

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

Reports of Standing Committee

By unanimous consent, the following reports were submitted at this time:

Senator Kelly of Tarrant submitted the following reports:

Austin, Texas,
April 13, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred S. B. No. 449, have had the same under consideration and I am instruct-

ed to report it back to the Senate with the recommendation that it do pass.

KELLY of Tarrant, Chairman.

Austin, Texas,
April 12, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 60, have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

KELLY of Tarrant, Chairman.

House Bill 315 Set as Special Order

Senator Strauss moved that House Bill No. 315 be set as a special order for Wednesday, April 20, 1949, immediately following the morning call.

The motion prevailed by the following vote:

Yeas—24

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Morris
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Hazlewood	Tynan
Jones	Vick

Absent

Harris	Phillips
Hudson	Taylor
Kelley of Hidalgo	Weinert
Moore	

House Bill 360 Set as Special Order

Senator Aikin moved that House Bill No. 360 be set as a special order for Wednesday, April 20, 1949, immediately following the disposition of H. B. No. 315.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lane
Ashley	Colson
Bell	Corbin
Bracewell	Cousins
Bullock	Hardeman
Carney	Hazlewood

Jones	Phillips
Kelly of Tarrant	Proffer
Lock	Shofner
Martin	Strauss
McDonald	Taylor
Moffett	Tynan
Morris	Vick

Absent

Harris	Moore
Hudson	Weinert
Kelley of Hidalgo	

House Bill 78 Set as Special Order

Senator Hazlewood moved that House Bill No. 78 be set as a special order for Wednesday, April 20, 1949 immediately following the disposition of all other special orders set for that day.

The motion prevailed by the following vote:

Yeas—23

Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Morris
Colson	Phillips
Corbin	Proffer
Hardeman	Shofner
Hazlewood	Strauss
Jones	Tynan
Kelly of Tarrant	Vick
Lane	

Absent

Aikin	Kelley of Hidalgo
Cousins	Moore
Harris	Taylor
Hudson	Weinert

House Bill 361 Set as Special Order

Senator Bell moved that House Bill No. 361 be set as a special order for Wednesday, April 20, 1949, immediately following the disposition of all other special orders set for that day.

The motion prevailed by the following vote:

Yeas—17

Bell	Moffett
Bracewell	Morris
Colson	Phillips
Corbin	Proffer
Hardeman	Shofner
Hazlewood	Strauss
Jones	Tynan
Kelley of Hidalgo	Vick
Lane	

Nays—7

Aikin	Martin
Ashley	McDonald
Carney	Taylor
Kelly of Tarrant	

Absent

Bullock	Lock
Cousins	Moore
Harris	Weinert
Hudson	

House Bill 81 Set as Special Order

Senator Phillips moved that House Bill No. 81 be set as a special order for Wednesday, April 20, 1949, immediately following the disposition of all other special orders set for that day.

The motion prevailed by the following vote:

Yeas—21

Ashley	McDonald
Bell	Moffett
Bracewell	Morris
Bullock	Phillips
Carney	Proffer
Colson	Shofner
Hardeman	Strauss
Hazlewood	Taylor
Kelly of Tarrant	Tynan
Lane	Vick
Lock	

Nays—3

Aikin	Martin
Kelley of Hidalgo	

Absent

Corbin	Jones
Cousins	Moore
Harris	Weinert
Hudson	

House Bill 24 Set as Special Order

Senator Tynan moved that House Bill No. 24 be set as a special order for Wednesday, April 20, 1949, immediately following the disposition of all other special orders set for that day.

The motion prevailed by the following vote:

Yeas—22

Aikin	Bracewell
Ashley	Bullock
Bell	Carney

Colson	Morris
Corbin	Phillips
Hardeman	Proffer
Hazlewood	Shofner
Jones	Strauss
Kelley of Hidalgo	Taylor
Lock	Tynan
McDonald	Vick

Nays—4

Kelly of Tarrant	Martin
Lane	Moffett

Absent

Cousins	Moore
Harris	Weinert
Hudson	

House Bill 691 Set as Special Order

Senator Proffer moved that House Bill No. 691 be set as a special order for Wednesday, April 20, 1949, immediately following all other special orders set for that day.

The motion prevailed by the following vote:

Yeas—19

Aikin	Lane
Ashley	Lock
Bell	McDonald
Bullock	Moore
Corbin	Phillips
Hardeman	Proffer
Hazlewood	Strauss
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	

Nays—7

Bracewell	Moffett
Carney	Morris
Colson	Taylor
Martin	

Absent

Cousins	Shofner
Harris	Weinert
Hudson	

House Bill 318 Set as Special Order

Senator Kelley of Hidalgo moved that House Bill No. 318 be set as a special order for Wednesday, April 20, 1949, immediately following the disposition of all other special orders set for that day.

The motion prevailed by the following vote:

Yeas—20

Ashley	Moffett
Bracewell	Moore
Carney	Morris
Corbin	Phillips
Hardeman	Proffer
Jones	Shofner
Kelley of Hidalgo	Strauss
Kelly of Tarrant	Taylor
Lane	Tynan
Lock	Vick

Nays—2

Hazlewood	Martin
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Absent

Aikin	Harris
Bell	Hudson
Bullock	McDonald
Colson	Weinert
Cousins	

Senate Bill 192 Set as Special Order

Senator Moore moved that Senate Bill No. 192 be set as a special order for Friday, April 15, 1949, immediately following the morning call.

The motion prevailed by the following vote:

Yeas—20

Aikin	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Proffer
Hardeman	Shofner
Hazlewood	Strauss
Jones	Taylor
Kelly of Tarrant	Tynan
Lane	Vick

Nays—3

Ashley	Phillips
Martin	

Absent

Bell	Hudson
Bracewell	Kelley of Hidalgo
Cousins	Lock
Harris	Weinert

House Bill 393 on Second Reading

On motion of Senator Morris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 393, A bill to be entitled "An Act to facilitate and encourage

the distribution of electric energy to the inhabitants of the small towns, villages and rural areas of the State of Texas by providing that lines for the transmission and transportation of electric energy may be constructed, erected and maintained on the right-of-way of roads and highways outside the corporate limits of cities and towns and providing that such lines may be constructed, erected and maintained within the corporate limits of a city or town with the consent and under the direction of its governing body; and providing adequate standards of construction for the safety of the public; repealing all laws and parts of laws in conflict herewith; containing the severability clause; and declaring an emergency."

The bill was read second time.

Senator Morris offered the following Committee Amendment to the bill:

(Committee Amendment No. 1)

Amend H. B. No. 393 by inserting just after the word "transmission" in the fifth line from the top of page 2 the words "and distribution."

The Committee Amendment was adopted.

Senator Morris offered the following committee amendment to the bill:

(Committee Amendment No. 2)

Amend H. B. 393 by striking out Section 1a thereof and inserting in lieu thereof the following:

"Section 1a. Any incorporated city or town in this State which owns and operates an electric generating plant or operates transmission lines and/or distribution system or systems shall have the right to erect, construct, maintain and operate lines over, under, across, upon and along any state highway or county road in this State, except within the limits of another incorporated city or town; and to maintain and operate existing lines located on such highways and county roads; and to erect, maintain and operate lines over, across and along streets, alleys and other public property in any other incorporated city or town in this State with the acquiescence or consent and under the regulations of the governing body of such city or town. Except as modified or changed by ordinance or regulation in incorporated cities and towns, all lines for the trans

mission and distribution of electric energy, whether along highways or elsewhere, shall be constructed, operated and maintained in accordance with the National Electric Safety Code, as published in March, 1948, by the National Bureau of Standards, Handbook 30, provided that lines along highways and county roads shall be single pole construction, and provided that at any place where a transmission line crosses a highway or road it shall be at least twenty-two (22) feet above the surface of the traffic lane. Any such incorporated city or town authorized to build lines along highways and public roads under this Section shall notify the State Highway Commission or the Commissioners' Court having jurisdiction, as the case may be, when it proposes to build lines along the right-of-way of any state highway, or county road, outside the limits of an incorporated city or town, whereupon the Highway Commission, or the Commissioners' Court may, if it so desires, designate the place along the right-of-way where such lines shall be constructed. The public agency having jurisdiction or control of a highway or county road, that is, the Highway Commission or the Commissioners' Court, as the case may be, may require any such municipal corporation, at its own expense, to relocate its lines on a State Highway or county road outside the limits of an incorporated city or town, so as to permit the widening of the right-of-way, changing of traffic lanes, improvement of the roadbed, or improvement of drainage ditches located on such right-of-way, by giving thirty (30) days' written notice to such municipal corporation owning such lines, and specifying the line or lines to be moved, and indicating the place on the new right-of-way where such line or lines may be placed. In the event a state highway or county road on which lines have been built passes through or into an unincorporated city or town, which thereafter becomes an incorporated city or town, the municipal corporation owning such lines shall continue to have the right to build, maintain and operate its lines along, across, upon and over the roads and streets within the corporate limits of such city or town for a period of ten (10) years from and after the date of such incorporation, but thereafter only with the consent of the governing body of such city

or town; and the governing body of such city or town may require the municipal corporation owning such lines, at its own expense, to relocate its poles and lines so as to permit the widening or straightening of streets, by giving to the municipal corporation owning such lines thirty (30) days notice and specifying the new location for such poles and lines along the right-of-way of such street or streets. Nothing herein shall be construed as granting the right to such municipal corporation to maintain existing lines in any area, which is included within the corporate limits of another city or town prior to the effective date of this act, without the consent of the governing body of such other city or town.

The Committee Amendment was adopted.

Senator Morris offered the following Committee Amendment to the bill:

(Committee Amendment No. 3)

Amend H. B. No. 393 by striking out in Section 1, page 3, all the language beginning with the word "provided" following a semi-colon at the end of the third line from the bottom of the page and ending with the word "Act" on page 4.

The Committee Amendment was adopted.

Senator Morris offered the following amendment to the bill:

Amend H. B. No. 393, line 6, page 2, by inserting just after the word "maintained" in said line 6 the words "as to clearances."

The amendment was adopted.

On motion of Senator Morris and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

The bill was passed to third reading.

House Bill 393 on Third Reading

Senator Morris moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 393 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Morris
Colson	Phillips
Hardeman	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Taylor
Kelly of Tarrant	Tynan
Lane	Vick

Absent

Corbin	Kelley of Hidalgo
Cousins	Weinert
Harris	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moore
Carney	Morris
Colson	Phillips
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	

Absent

Corbin	Moffett
Harris	Weinert

Senate Concurrent Resolution 36

On motion of Senator Kelley of Hidalgo, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. C. R. No. 36, Providing for a committee to make a study of the water rights of this State.

The resolution having been read on Thursday, March 31, 1949.

Question—Shall the resolution be adopted?

Senator Kelley of Hidalgo offered the following amendment to the resolution:

Amend S. C. R. No. 36, by striking out the following language on page 3 of said resolution:

Eighteen (18) members
Three (3) members of the Senate
Three (3) members of the House of Representatives

And substituting in lieu thereof the following:

Twenty-two (22) members
Five (5) members of the Senate
Five (5) members of the House of Representatives.

The amendment was adopted.

The resolution as amended was adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 13, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Bills:

H. B. No. 68, A bill to be entitled "An Act making an emergency appropriation for traveling expenses of judges of the Courts of Civil Appeals when sitting in other districts, supplementing Item 14 of the Judicial Section — Comptroller's Department, Chapter 338, H. B. No. 244 of the Judiciary Appropriation, 50th Legislature, Regular Session, and declaring an emergency."

H. B. No. 115, A bill to be entitled "An Act providing for the appointment and salary of stenographers or secretaries for County Judges in certain counties in Texas; and declaring an emergency."

H. B. No. 168, A bill to be entitled "An Act providing procedure for the annexation, by certain cities and towns, with the consent of the owners, of land or territory, to the extent of one-half mile in width, which is vacant and without residents, or on which less than three qualified voters reside, contiguous and adjacent to any incorporated city or town having a population of five thousand (5,000) or less inhabitants, according to the last preceding Federal Cen-

sus; providing that this Act shall be cumulative of other laws on the subject of annexation of territory by cities and towns; and declaring an emergency."

H. B. No. 445, A bill to be entitled "An Act authorizing cities and towns, including Home Rule cities, which heretofore have issued or hereafter may issue bonds payable from revenues of light and power systems to issue additional bonds payable from such revenues for purpose of improving and extending such systems, such additional bonds to constitute a lien upon said revenues in order of their issuance inferior to lien securing payment of bonds previously issued; permitting issuance of additional bonds on a parity with bonds previously issued where provision therefor was made in ordinance authorizing previous issue or deed of trust or indenture of trust securing such bonds; authorizing such cities and towns to prescribe in ordinances, deed of trust and indenture of trust for later issuance of additional revenue bonds on parity; authorizing issuance of refunding bonds; prescribing manner of issuance of all bonds authorized herein; requiring such bonds to be approved by the Attorney General of Texas and registered by the Comptroller of Public Accounts; enacting other matters pertaining to the subject; providing a severability clause; and declaring an emergency."

H. B. No. 450, A bill to be entitled "An Act providing that after the consolidation of certain independent school districts, where one of such districts has a scholastic enrollment in excess of five times the combined scholastic enrollment of the other districts consolidated with it, the members of the Board of Trustees of the larger district shall serve as the Board of Trustees of the combined district until their respective terms expire and their successors are elected; repealing all laws and parts of laws in conflict herewith to the extent of conflict; providing said Act shall be cumulative of other existing laws relative to the consolidation of independent school districts; and declaring an emergency."

H. B. No. 458, A bill to be entitled "An Act to regulate direct lines of insurance with insurers not licensed to do business in this State; declaring the purpose of the Act; pro-

viding for licensing of agents, with the cost of such license and its terms, said license to authorize the placing of direct lines of insurance with insurers not licensed to do business in Texas; providing for the giving of a bond by such agent; etc., and declaring an emergency."

H. B. No. 567, A bill to be entitled "An Act appropriating the sum of three hundred dollars (\$300.00), to satisfy and pay, according to the terms thereof, that certain judgments rendered against the State of Texas in 96th Judicial District Court, of Tarrant County, Texas, and said judgment having become final and no appeal prosecuted therefrom; and declaring an emergency."

H. B. No. 587, A bill to be entitled "An Act authorizing Counties of this State to purchase road machinery and equipment by and through the State Board of Control; prescribing the method therefor; providing this Act shall be cumulative; providing a severability clause; and declaring an emergency."

H. B. No. 595, A bill to be entitled "An Act enabling the Game, Fish and Oyster Commission to exchange the Lake Dallas fish hatchery land for land below the proposed Garza-Little Elm dam and to receive reimbursement for any expenses incurred in constructing a hatchery thereon; and declaring an emergency."

H. B. No. 647, A bill to be entitled "An Act to amend Section 7 of Senate Bill 125, Chapter 541, Acts of the 47th Legislature, Regular Session, 1941, relating to the appointment of guardians for persons for whom it is necessary to appoint guardians to collect funds from the State and/or Federal Government; making further and additional provisions for waiving court costs and fees in certain cases; providing a repealing clause, a saving clause, and declaring an emergency."

H. B. No. 687, A bill to be entitled "An Act to provide for the sale and manner of sale of all water and sewer lines owned by the State in Kerr County which are outside of Kerrville State Sanatorium grounds and which connect the Sanatorium water and sewer lines with the City of Kerrville water and sewer lines; and declaring an emergency."

H. B. No. 585, A bill to be entitled "An Act amending Chapter 27, Acts of the Third Called Session of the Forty-second Legislature, 1932, so as to authorize Navigation Districts coming within the scope of said Act to increase the terms of office of their Navigation and Canal Commissioners to six-year terms; providing for the time and method of their election; providing that this Act shall be cumulative of all other Acts in force affecting Navigation Districts affected hereby; and declaring an emergency."

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Concurrent Resolution 45

Senator Moffett offered the following resolution:

S. C. R. No. 45, Creating a State Board of Dairying.

Whereas, The development of the dairy industry in Texas is jeopardized because of disorganized conditions existing in the dairy industry;

Whereas, It is important to the health of the people in Texas that the consuming public have ample supplies of milk and dairy products available throughout the year;

Whereas, It is important to the sound development of dairying in Texas that conditions jeopardizing its growth be corrected; and

Whereas, There is no board in Texas with official standing having a knowledge of dairying which is in position to make authoritative recommendations to those having to do with dairying and the problems of dairying; now, therefore, be it

Resolved, By the Senate, the House of Representatives concurring:

That there is hereby created a State Board of Dairying, consisting of nine (9) members. The members of said Board shall consist of the head of the Agricultural Department of Texas Agricultural and Mechanical College, the head of the Agricultural Department of Texas Technological College, and the State Health Officer, provided that if any of the aforesaid heads of departments does not wish to serve or is unable to serve, the Governor shall appoint some other member of such de-

partment as a member of this Board, and provided further that if the State Health Officer does not wish to serve or is unable to serve, the Governor shall appoint some other member of said State Board of Health. The other six (6) members of said Board shall be appointed by the Governor, from the following occupations: One (1) shall be a distributor of fluid milk; one (1) shall be a manufacturer of ice cream; one (1) shall be a processor of dairy products such as butter, cheese, milk powder, milk condense or evaporated milk; three (3) shall be producers of milk.

The members of said Board shall be appointed for a period of two (2) years, and shall continue as members of said Board until their successors are duly appointed and qualified.

The Board appointed under the provisions of this Act is authorized to select from its own membership a president and such other officers as it may desire, and to adopt rules of procedure.

All members of the Board shall serve without compensation. The Board shall hold at least three (3) meetings during each calendar year.

It shall be the duty of the Board to investigate the production, processing, manufacturing, merchandising and distribution of milk and dairy products and to make recommendations pertaining thereto to any and all having to do with milk and dairy products. Said Board shall make recommendations pertaining to production, processing, merchandising and distribution of milk and dairy products to municipalities, counties, and to the State; to State, city and county health departments, to governmental purchasing agents, to the State Agricultural Department; to our State Agricultural Schools; and to consumers, producers, processors and distributors of milk and dairy products in any area in the State or in the State as a whole. Said Board shall make official recommendations to the State Health Officer pertaining to the promulgation of standards for milk and dairy products and the labeling and enforcement of such standards.

The Board may hold hearings in order to ascertain the facts upon which recommendations for the welfare of the dairy industry may be made.

The Board may publicize its recommendations.

MOFFETT
AIKIN
KELLEY of Hidalgo
TAYLOR
MORRIS
TYNAN
PROFFER
JONES
McDONALD
SHOFNER
BULLOCK

The resolution was read.

Senator Moffett asked unanimous consent to consider the resolution immediately.

There was no objection offered.

Senator Kelly of Tarrant moved to refer the resolution to the Committee on State Affairs.

Question—Shall the motion to refer prevail?

On motion of Senator Moffett, the resolution was laid on the table subject to call.

Bills and Resolutions Signed

The President pro tempore signed in the presence of the Senate, after giving due notice thereof, the following bills and resolutions:

S. B. No. 208, A bill to be entitled "An Act providing for regulation of life insurance and health and accident insurance issued in connection with loan transactions; defining credit insurance and certain other terms for the purposes of this Act, etc., and declaring an emergency."

S. B. No. 69, A bill to be entitled "An Act to amend Section 9, Chapter 67, Acts of the 41st Legislature, Fifth Called Session, as amended by Chapter 75, Acts of Regular Session of the 48th Legislature, pertaining to the sale of products produced by the Texas Prison System to the State of Texas, and its institutions; providing for the sale of surplus agricultural products and other personal property owned by the Texas Prison System, other than manufactured products produced for the purpose of sale; providing for a severability clause; and declaring an emergency."

S. C. R. No. 41, Providing for acceptance by the State of a portrait of Ezekiel W. Cullen.

S. B. No. 140, A bill to be entitled "An Act amending State Bill Number 391, Acts of the Fiftieth Legislature, 1947, by increasing the purposes for which money appropriated to the State Board of Registration for Professional Engineers by Item 13 of the appropriation for said board can be expended and declaring an emergency."

H. B. No. 182, A bill to be entitled "An Act amending Article 4000, Title 65, of the Revised Civil Statutes of The State of Texas, adopted at the Regular Session of the 39th Legislature and as amended by the Act of April 27, 1935, Chapter 115, General Laws, Regular Session, 44th Legislature, by adding thereto a provision excepting from the operation of said Article any lien securing the purchase price of any merchandise or other article except as to bona fide retail sales, and declaring an emergency."

S. C. R. No. 44, Granting each House permission to adjourn from Thursday April 14, until Monday, April 18, 1949.

Senate Bill 19 With House Amendments

Senator Morris called S. B. No. 19 from the President's table for consideration of the House amendments to the bill.

The President pro tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Morris moved that the Senate concur in the House amendments.

Question—Shall the Senate concur in the House amendments to the bill?

Pending an address by Senator Cousins on the pending motion, Senator Morris objected to his reading in full a legal opinion relative to the subject matter of the bill affected and raised a point of order against further reading of it, on the ground that such reading was a method of unnecessarily consuming the time of the Senate.

The President pro tempore overruled the point of order.

Senator Morris objected to the further reading of the opinion, and asked for a vote of the Senate pursuant to

Senate Rule 62 to determine whether or not the further reading of the paper would be permitted.

Question—Shall further reading of the paper be continued?

The Senate determined that the further reading of the paper should not be continued by the following vote:

Yeas—11

Ashley	Hudson
Bell	Jones
Bracewell	Kelly of Tarrant
Cousins	McDonald
Hardeman	Moore
Harris	

Nays—15

Aikin	Moffett
Bullock	Morris
Carney	Proffer
Colson	Strauss
Corbin	Taylor
Kelley of Hidalgo	Tynan
Lane	Vick
Martin	

Absent

Hazlewood	Shofner
Lock	Weinert
Phillips	

(President in the Chair.)

Question then recurring on the motion by Senator Morris, to concur in the House amendments to the bill, it prevailed by the following vote:

Yeas—23

Aikin	McDonald
Ashley	Moffett
Bell	Moore
Bullock	Morris
Carney	Phillips
Colson	Proffer
Corbin	Shofner
Jones	Strauss
Kelley of Hidalgo	Taylor
Lane	Tynan
Lock	Vick
Martin	

Nays—6

Bracewell	Harris
Cousins	Hazlewood
Hardeman	Kelly of Tarrant

Absent

Hudson	Weinert
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House Bill 33 on Passage to Third Reading

The Senate resumed consideration of the pending special order, same being H. B. No. 33 on its passage to third reading.

Question—Shall the bill be passed to third reading?

Senator Harris offered the following committee amendment to the bill:

(Committee Amendment No. 1)

Amend H. B. No. 33, Sec. 2, by changing the words and figures "fifty per cent (50%)," to the words and figures "seventy-five per cent (75%)".

The amendment was lost by the following vote:

Yeas—11

Bell	Moore
Carney	Phillips
Corbin	Strauss
Harris	Tynan
Kelley of Hidalgo	Vick
Lane	

Nays—15

Aikin	Lock
Ashley	Martin
Bracewell	McDonald
Cousins	Moffett
Hardeman	Morris
Hazlewood	Proffer
Jones	Taylor
Kelly of Tarrant	

Absent

Colson	Weinert
Shofner	

Paired

Senator Bullock (present), who would vote no with Senator Hudson (absent), who would vote aye.

Senator Harris offered the following committee amendment to the bill:

(Committee Amendment No. 2)

Amend H. B. No. 33, Section 5, by converting the period at the end of said section to a comma and adding the words "until the expiration of said term of office."

The committee amendment was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend H. B. No. 33 by adding the following at the end of Sec. 4:

"Any person who has served on one or more courts of this State as defined herein for 25 years or more at any time, continuously or otherwise, provided that his last service prior to the date of retirement shall have been continuous for a period of not less than ten years, shall likewise be entitled to retirement pay under the provisions of this Act."

The amendment was adopted.

Senator Proffer offered the following amendment to the bill:

Amend H. B. No. 33, Section 4, by striking out lines 37, 38, 39, and 40 of page 2 of the printed bill.

The amendment was adopted.

Senator Bracewell offered the following amendment to the bill:

Amend H. B. No. 33 by striking therefrom Section 5 of such bill.

The amendment was adopted.

Senator Lock offered the following amendment to the bill:

Amend H. B. No. 33, Section 2, lines 39 and 40, by striking out the words "at least 10 years" and substituting in lieu thereof the following:

"in excess of 8 years"

Senator Harris moved to table the amendment.

Yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—24

Ashley	Lane
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Colson	Moore
Corbin	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

Nays—3

Carney	Morris
Lock	

Absent

Aikin	Hudson
Cousins	Weinert

Senator Lock offered the following amendment to the bill:

Amend H. B. No. 33, Section 2, lines 39 and 40, by striking out the words "at least 10 years" and substituting in lieu thereof the following:

"in excess of 9 years"

Senator Harris moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—24

Ashley	Lane
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Colson	Moore
Corbin	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

Nays—4

Aikin	Lock
Carney	Morris

Absent

Cousins	Weinert
Hudson	

On motion of Senator Harris, and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

The bill was then passed to third reading.

House Bill 33 on Third Reading

Senator Harris moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 33 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Ashley	Carney
Bell	Colson
Bracewell	Corbin
Bullock	Cousins

Harris	Moore
Hazlewood	Morris
Jones	Phillips
Kelley of Hidalgo	Proffer
Kelly of Tarrant	Shofner
Lane	Strauss
Lock	Taylor
Martin	Tynan
McDonald	Vick

Nays—3

Aikin	Moffett
Hardeman	

Absent

Hudson	Weinert
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23

Ashley	Kelly of Tarrant
Bell	Lane
Bracewell	Lock
Carney	McDonald
Colson	Moore
Corbin	Phillips
Cousins	Proffer
Harris	Shofner
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	

Nays—6

Aikin	Moffett
Hardeman	Morris
Martin	Taylor

Absent

Strauss	Weinert
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Paired

Senator Bullock (present), who would vote no with Senator Hudson (absent), who would vote aye.

House Bills on First Reading

The following bills, received from the House, were laid before the Senate, read and referred to the committees indicated:

H. B. No. 753, to Committee on Civil Jurisprudence.

H. B. No. 741, to Committee on Civil Jurisprudence.

H. B. No. 427, to Committee on Game and Fish.

H. B. No. 292, to Committee on Counties and County Boundaries.

H. B. No. 55, to Committee on Counties and County Boundaries.

H. B. No. 799, to Committee on Counties and County Boundaries.

H. B. No. 792, to Committee on Counties and County Boundaries.

H. B. No. 773, to Committee on Game and Fish.

H. B. No. 768, to Committee on State Affairs.

H. B. No. 766, to Committee on Game and Fish.

H. B. No. 740, to Committee on Counties and County Boundaries.

H. B. No. 738, to Committee on Counties and County Boundaries.

H. B. No. 727, to Committee on Game and Fish.

H. B. No. 437, to Committee on Judicial Districts.

H. B. No. 460, to Committee on Game and Fish.

H. B. No. 542, to Committee on Counties and County Boundaries.

H. B. No. 667, to Committee on Game and Fish.

H. B. No. 578, to Committee on Water Rights, Irrigation and Drainage.

H. B. No. 712, to Committee on Game and Fish.

H. B. No. 730, to Committee on Finance.

H. B. No. 739, to Committee on Counties and County Boundaries.

H. B. No. 843, to Committee on Game and Fish.

H. B. No. 842, to Committee on Counties and County Boundaries.

H. B. No. 838, to Committee on Game and Fish.

H. B. No. 812, to Committee on Counties and County Boundaries.

H. B. No. 647, to Committee on Civil Jurisprudence.

H. B. No. 687, to Committee on State Institutions and Departments.

H. B. No. 587, to Committee on
Counties and County Boundaries.

H. B. No. 595, to Committee on
Game and Fish.

H. B. No. 567, to Committee on
Finance.

H. B. No. 585, to Committee on
Water Rights, Irrigation and Drain-
age.

H. B. No. 450, to Committee on
Education.

H. B. No. 458, to Committee on
Insurance.

H. B. No. 168, to Committee on
Towns and City Corporations.

H. B. No. 445, to Committee on
Civil Jurisprudence.

H. B. No. 68, to Committee on
Finance.

H. B. No. 115, to Committee on
Counties and County Boundaries.

Recess

On motion of Senator Tynan, the
Senate at 5:50 o'clock p.m., took re-
cess until 10:00 o'clock a.m. tomorrow.

In Memory of
Mr. Preston B. Doty

Senator Cousins offered the following resolution:

(Senate Resolution 113)

Whereas, On August 29, 1947, our Almighty God called from his earthly existence Mr. Preston B. Doty, President of The First National Bank of Beaumont, Texas; and

Whereas, Mr. Doty was born in Burlingame, Kansas, the son of a county attorney and state legislator, he obtained his first job as a messenger-janitor in the Burlingame Bank at the age of sixteen; and

Whereas, In 1901 he moved to Beaumont, Texas, and later went to work in the old First National Bank as assistant cashier; remaining in the organization after absorption by the Gulf National Bank in 1905, Mr. Doty advanced in rank until he became President in 1915 and became President of the new First National Bank when it merged with the Gulf National Bank in 1919; and

Whereas, From the moment Mr. Doty came to Beaumont until his death he was an outstanding worker for the betterment of the city and whole southeast Texas area; and

Whereas, He had served as President of the Beaumont Rotary Club and Country Club, and Chamber of Commerce, and the YMCA; and

Whereas, He was material in establishing Lamar College with its modern buildings on its present site; and

Whereas, He was a leader in the promoting of the Rockland Dam Project of the Newsprint Mill now operating at Lufkin, of 4-H clubs for farm youth and chemurgy; and

Whereas, He had been the winner of the Beaumont Golden Deeds Award and had been chosen man of the month from the East Texas Chamber of Commerce; and

Whereas, He was an outstanding citizen of Texas; and

Whereas, His passing is greatly mourned by his many friends throughout the State of Texas and his loss is irreplaceable, and it is the desire of the Senate of Texas to recognize and pay tribute to the services and the useful life of Mr. Doty, and to express sympathy to his family; now therefore, be it

Resolved, That we express to the immediate members of the family of the deceased our sincere sympathy and regret on the passing of this distinguished citizen; that a page be set aside in the Senate Journal as a memorial to him; that a copy of this resolution be mailed to the family of the deceased.

COUSINS

The resolution was read.

Signed—Allan Shivers, Lieutenant Governor, Aikin, Ashley, Bell, Bracewell, Bullock, Carney, Colson, Corbin, Hardeman, Harris, Hazlewood, Hudson, Jones, Kelley of Hidalgo, Kelly of Tarrant, Lane, Lock, Martin, McDonald, Moffett, Moore, Morris, Phillips, Proffer, Shofner, Strauss, Taylor, Tynan, Vick, Weinert.

On motion of Senator Bullock, the names of the Lieutenant Governor and all Members of the Senate were added to the resolution as signers thereof.

The resolution was adopted.

In Memory of
Judge A. T. McKinney

Senator Colson offered the following resolution:

(Senate Concurrent Resolution 43)

Whereas, on December 26, 1948, the illustrious career of Judge A. T. McKinney was closed by his death at Huntsville, Walker County, Texas, where he was born on January 28, 1889; and

Whereas, Judge McKinney was the son of Colonel A. T. McKinney who was a member of the last Constitutional Convention of the State of Texas and was the grandson of the Reverend Samuel McKinney, first President of Austin College; and

Whereas, In the death of Judge McKinney, Texans witnessed the passing of one whose footsteps marked service and progress on every path he chose to travel whether in the law, in civic enterprises, in religious councils or in public office; and

Whereas, He attended Sam Houston State Teachers College and The University of Texas, was admitted to the State Bar in 1914, and subsequently rendered invaluable service in public office as City Attorney of Huntsville, County Attorney and County Judge of Walker County, District Attorney of the 12th Judicial District and State Representative from Walker and San Jacinto Counties in the 44th and 45th Texas Legislatures, leaving a record in these fields which will ever remain as a challenge to those who follow; and

Whereas, He was charitable to the unfortunate and generous in his consideration for others, he found comfort and joy in his life of devotion to his family and friends; now therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that we extend to the members of the esteemed family of this illustrious Texan our deep sense of loss and sympathy in his passing; that we recognize his service to the State; that a page in the Senate and House Journals be set aside as a memorial to him and that official copies of this resolution be furnished his widow, Mrs. Myra Adams McKinney; a daughter, Mrs. S. D. Marett; two sons, Lt. A. T. McKinney III and John Adams McKinney, and a sister, Miss Cornelia McKinney; and be it further

Resolved, That when the Senate adjourns today, it do so in tribute to the memory of Judge A. T. McKinney.

COLSON
BRACEWELL

Signed—Allan Shivers, Lieutenant Governor, Aikin, Ashley, Bell, Bullock, Carney, Corbin, Cousins, Hardeman, Harris, Hazlewood, Hudson, Jones, Kelley of Hidalgo, Kelly of Tarrant, Lane, Lock, Martin, McDonald, Moffett, Moore, Morris, Phillips, Proffer, Shofner, Strauss, Taylor, Tynan, Vick, Weinert.

The resolution was read.

On motion of Senator Hardeman, the names of the Lieutenant Governor and all Members of the Senate were added to the resolution as signers thereof.

The resolution was adopted.

In Memory of
Mrs. Larrie Ozella Mars Chadick

Senator McDonald offered the following resolution:

(Senate Resolution 114)

Whereas, God in His infinite wisdom did on the 4th day of April, 1949, call from her earthly labors, Mrs. Larrie Ozella Mars Chadick, at the age of seventy-six; and

Whereas, Mrs. Chadick was born in Dangerfield, Texas, on June 30, 1873; and

Whereas, She was married to Walter Martin Chadick and lived in Winnsboro, Texas, since 1908; and

Whereas, She was an outstanding Christian woman and a member of the Methodist Church; and

Whereas, She was always willing to contribute generously of her time, her means and her talents to the end that the welfare of her fellow citizens everywhere might be improved; and

Whereas, She was a faithful wife and mother; she filled all the years of her life with a devoted service to her family, her friends and to her community; and

Whereas, Mrs. Chadick is survived by her children, W. H. Chadick, of Miami, Florida; Mrs. Harry Simpson, of Miami, Florida; Mrs. J. C. Crouch, of Dallas; I. Mars Chadick, A. R. Chadick, and T. C. Chadick, of Quitman, Texas, former member of the Senate; eighteen grandchildren; eleven great-grandchildren; two brothers, Dr. Ben Mars, New Castle, Texas; T. C. Mars of Greenville, Texas; and one sister, Mrs. Donnie Bland, Oakland, Texas; and

Whereas, Her passing will be greatly mourned by her many friends throughout the State of Texas and her loss is irreplaceable and it is the desire of the Senate of Texas to recognize and to pay tribute to the services and useful life of Mrs. Larrie Ozella Mars Chadick, and to express sympathy to her family; now, therefore, be it

Resolved, That we express to the immediate members of the family of the deceased our sincere sympathy and regret upon the passing of this distinguished citizen, and that a page be set aside in the Senate Journal as a memorial to her.

McDONALD

Signed—Allan Shivers, Lieutenant Governor, Aikin, Ashley, Bell, Bracewell, Bullock, Carney, Colson, Corbin, Cousins, Hardeman, Harris, Hazlewood, Hudson, Jones, Kelley of Hidalgo, Kelly of Tarrant, Lane, Lock, Martin, Moffett, Moore, Morris, Phillips, Proffer, Shofner, Strauss, Taylor, Tynan, Vick, Wienert.

The resolution was read.

On motion of Senator Bracewell, the names of the Lieutenant Governor and all Members of the Senate were added to the resolution as signers thereof.

The resolution was adopted.